

Exhibit 38

Paul Houtos, Jr.
May 14, 2018

<p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>DESHEILA C. HOWLETT, Plaintiff, vs. Civil No. 17-11260 Hon. Terence G. Berg Mag. R. Steven Whalen</p> <p>CITY OF WARREN; COMMISSIONER JERE GREEN, acting in his individual capacity; LT. LAWRENCE GARDNER; SHAWN JOHNSON; DAWN MCLANE; ANWAR KHAN; DARRIN LABIN; WILLIAM ROSS; KEVIN BARNHILL; PAUL HOUTOS; SCOTT TAYLOR, Defendants.</p> <hr/> <p>The Deposition of PAUL HOUTOS, JR., Taken at 1 City Square, Fourth Floor, Warren, Michigan, Commencing at 11:36 a.m., Monday, May 14, 2018, Before Maureen Collier, CSR-7422.</p>	<p style="text-align: center;">Page 3</p> <p>1 ETHAN VINSON P26608 2 City of Warren, City Attorney's Office 3 1 City Square, Suite 400 4 Warren, Michigan 48093 5 (586) 574-4671 6 evinson@cityofwarren.org 7 Appearing on behalf of the Defendants.</p> <p>8 9 ALSO PRESENT: 10 Lieutenant Dan Bradley 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES 2 3 LEONARD MUNGO P43562 4 The Mungo Law Firm, P.L.C. 5 333 West Fort Street, Suite 1500 6 Detroit, Michigan 48226 7 (313) 963-0407 8 mungol16@msn.com 9 Appearing on behalf of the Plaintiff.</p> <p>10 JAMES R. ACHO P62175 11 ELIZABETH RAE-O'DONNELL P41529 12 Cummings, McClorey, Davis & Acho, P.L.C. 13 17436 College Parkway 14 Livonia, Michigan 48152 15 (734) 261-2400 16 jacho@cmda-law.com 17 Appearing on behalf of the Defendants.</p>	<p style="text-align: center;">Page 4</p> <p>1 TABLE OF CONTENTS 2 3 WITNESS PAGE 4 PAUL HOUTOS, JR. 5 6 EXAMINATION BY MR. MUNGO: 5 7 8 EXHIBITS 9 10 EXHIBIT PAGE 11 (Previously marked exhibits attached to transcript.) 12 13 DEPOSITION EXHIBIT 1 14 (Discipline - Shawn Johnson) 15 DEPOSITION EXHIBIT 2 16 (Discipline - Barbara Beyer) 17 DEPOSITION EXHIBIT 3 18 (General Order - 10 January 2003) 19 DEPOSITION EXHIBIT 4 20 (General Order - 24 July 2017) 21 22 23 24 25</p>

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<p>1 Warren, Michigan 2 Monday, May 14, 2018 3 11:36 a.m. 4 5 PAUL HOUTOS, JR., 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 EXAMINATION 11 BY MR. MUNGO: 12 Q. Good morning, sir. 13 A. Good morning. 14 Q. My name is Attorney Leonard Mungo. I represent 15 Ms. DeSheila Howlett in a civil rights lawsuit pending 16 against the City and certain others, and this 17 deposition will be used for all reasons allowed under 18 the court rules pertaining to this particular case. 19 I'm going to ask, sir, if you would, 20 please, to state your full legal name for the record 21 and then also spell it. Give us the correct spelling 22 of your name, please. 23 A. Okay. It's Paul, P-A-U-L, Joseph, J-O-S-E-P-H, 24 Houtos, H-O-U-T-O-S, and I am a junior. 25 Q. Okay. Very good. Mr. Houtos, how long have you been</p>	<p>1 detective bureau? 2 A. I promoted to corporal in September 2011, and I 3 promoted to sergeant in November of 2016. 4 I also, I left – in August of 2016, I left 5 the criminal investigation bureau and went out to the 6 Macomb Auto Theft Squad. So I was out of the building 7 during that time period. 8 Q. So you worked for the detective bureau between 2011? 9 A. Yes. 10 Q. Till? 11 A. Until November 2016. 12 Q. So you were there during the time at which the 13 allegations were made against Mr. Shawn Johnson on the 14 basis of racially harassing Ms. Howlett. 15 A. I was there during that time period, yes. 16 Q. What do you recall about that time period and those 17 incidents? 18 A. I don't recall anything about the specific incidents 19 because I was not in the same office as them. 20 Q. You say you were -- you were what? 21 A. I was not in the same office as them. 22 Q. Okay. 23 A. They were in special victims. I was in criminal 24 investigation. So there's a little bit of a 25 separation.</p>
<p>1 with the Warren Police Department? 2 A. Warren, almost 16 years. 3 Q. 16 years. And what have your responsibilities been 4 since you've been with the Warren Police Department? 5 A. I'd say work midnight patrol, detention. I was a 6 field training officer for a time there. I was 7 assigned to the criminal investigation bureau and 8 promoted to sergeant. I was a patrol supervisor, and 9 then also now I'm the supervisor in special victims 10 division. 11 Q. Did you work with DeSheila Howlett? 12 A. Yes. I worked with her, not directly on the same 13 shift or when she was in family investigation. But 14 yes, I – we both work for the City. 15 Q. But you never worked with her on any cases. 16 A. I think we might have had one case somewhere early on 17 in her time as a corporal. There were some juvenile 18 suspects and some – an adult suspect, so we kind of 19 co-officer in charge. I don't recall the case 20 specifically. 21 Q. Would that have been the same period of time in which 22 Mr. Shawn Johnson was acting as her assistant in terms 23 of orienting her to the detective bureau? 24 A. It would have been probably afterwards. 25 Q. Okay. Well, what years were you working in the</p>	<p>1 I don't know if you're familiar with the 2 building. So I don't know anything about the direct 3 allegations, only what I kind of heard through the 4 rumor mill. 5 Q. What did you hear through the rumor mill? 6 A. That he said some things that were inappropriate. 7 Q. Such as? 8 A. That I would say – I know there was some comment 9 about Gorilla Glue used to fix a clock on her desk, 10 and that's really about all I know. 11 Q. Okay. 12 A. Or that I heard rumors of. 13 Q. That you heard rumors of. Okay. Did you think that 14 that was a form of -- constitute a form of racial 15 harassment? 16 A. Do I think that was a form of harassment? I don't 17 know if I would see it as harassment. I think it's 18 inappropriate if it was meant in a racial tone. 19 Q. How so? 20 A. Well, if he was saying it specifically to be, you 21 know, to offend her, then yeah, it's very 22 inappropriate. If he's giving her guidance on how to 23 fix a piece on her desk, then Gorilla Glue is a 24 product and – if that's what he was saying. 25 Q. How would you distinguish between the two?</p>

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1 A. I guess on the way that she — I guess based on their
 2 history and if, you know, she had told him in the past
 3 that he shouldn't, you know, say comments like that.
 4 Excuse me. My phone's buzzing. He shouldn't say
 5 comments like that, then he shouldn't have said it.

6 Q. Okay. So I guess that really didn't answer my
 7 question.

8 A. Can you repeat the question then?

9 MR. MUNGO: Go ahead. Read it back.

10 (The requested portion of the record was
 11 read by the reporter at 11:41 a.m.)

12 THE WITNESS: On whether it was a racially
 13 motivated comment or it was just a comment?

14 BY MR. MUNGO:

15 Q. How would you distinguish that it was racially
 16 motivated?

17 A. I guess the intent of, from the person delivering the
 18 message. That I don't know, what the intent was.

19 Q. Does there have to be intent to be inappropriate and
 20 constitute racial harassment?

21 A. I think maybe there has to be someone who's offended
 22 by the comment, too.

23 Q. There has to be someone who was offended --

24 A. Sure.

25 Q. -- by the comment. Okay. But on the component of it

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1 racially demeaning and derogatory comments or words
 2 being spoken to DeSheila Howlett. It's okay to do
 3 that as long as DeSheila Howlett is not offended?

4 MR. ACHO: I'm going to object. Asked and
 5 answered. He just answered you.

6 MR. MUNGO: No, he did not.

7 MR. ACHO: Yes, he did.

8 MR. MUNGO: Are you going to instruct him
 9 not to answer?

10 MR. ACHO: I'm not going to instruct him
 11 not to answer, but he answered your question.

12 BY MR. MUNGO:

13 Q. Answer my question, sir.

14 MR. ACHO: In fact, what he said
 15 specifically was no, that is absolutely not the case.
 16 Those were his words verbatim. She could read it back
 17 to you.

18 BY MR. MUNGO:

19 Q. Okay. Answer the question, please.

20 A. Okay. Can I get the question repeated to me?

21 MR. MUNGO: Repeat the question.
 22 (The requested portion of the record was
 23 read by the reporter at 11:44 a.m.)

24 THE WITNESS: No, absolutely not.

25 BY MR. MUNGO:

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1 being -- constituting racial harassment, your answer,
 2 if I understand it correctly, is that it would be
 3 considered -- no matter how inappropriate it is, it
 4 would be considered racial harassment only if the
 5 person who was receiving the information or who was
 6 the target or subject of the information would feel
 7 harassed; correct?

8 A. I guess, you know, it's the way that the message was
 9 received or the statement was received by the person
 10 who heard it and how they took it to mean.

11 Q. Whether it was racially derogatory or not, it depends
 12 upon how the person took it; correct?

13 A. Yes.

14 Q. Okay. I see. I see. So it's okay to use racially
 15 derogatory language and comments as long as the person
 16 who is the receiver of the racially derogatory
 17 comments is not offended.

18 A. No, that's not at all the case. But again, in a
 19 comment such as Gorilla Glue, which is a legitimate
 20 product, if the person receiving that took offense by
 21 it, then they should make it known that they're
 22 offended by it. And, you know, see if it can be
 23 remedied that way.

24 Q. So again, the question is -- I'm not talking
 25 specifically about Gorilla Glue. I'm speaking to any

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1 Q. Why not?

2 A. One, it lacks tact and is inappropriate in the
 3 workplace.

4 Q. And do you think that should constitute racial
 5 harassment?

6 A. I don't know. I don't know if that's for me to
 7 decide.

8 I think the decision for me personally
 9 would be on whether making the comment is appropriate
 10 or not, and racial harassment is a decision made by
 11 the courts or the lawyers.

12 Q. Well, I'm asking you, sir, your opinion. Do you think
 13 doing that would be a form of racial harassment to
 14 DeSheila Howlett?

15 A. Doing — just any context that are demeaning or any --

16 MR. MUNGO: You want to read my question
 17 back?

18 (The requested portion of the record was
 19 read by the reporter at 11:45 a.m.)

20 THE WITNESS: Yes.

21 BY MR. MUNGO:

22 Q. Okay. Even though she's not offended.

23 A. I don't think racial harassment matters whether the
 24 person is offended or not. It's either inappropriate
 25 or it's appropriate.

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- 1 Q. Okay. Have you ever heard any of your fellow
 2 detectives or officers in the Warren Police Department
 3 use racial derogatory terms or expressions toward
 4 African Americans or regarding African Americans?
 5 A. I have not.
 6 Q. You've never ever heard anyone in the Warren Police
 7 Department, no white officers ever use any racially
 8 inappropriate or derogatory or demeaning comments or
 9 words regarding African Americans?
 10 A. No.
 11 Q. Let the record reflect we're going to use the same
 12 exhibits here. Let the record reflect I'm about to
 13 show the deponent Deposition Exhibit Number 3.
 14 Take a look at that document. Tell me if
 15 you're able to -- if you recognize it.
 16 A. It's the general order specifically saying that
 17 discrimination and sexual harassment for the Warren
 18 Police Department.
 19 Q. Okay. Have you ever seen that document before?
 20 A. I have.
 21 Q. And on what occasion have you seen that document?
 22 A. During my introduction, two weeks of in-house training
 23 when I first came here.
 24 Q. When you first came?
 25 A. Came to the Warren Police Department, through my

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- 1 had Hmong trainers. We've had someone from the, I
 2 believe the Arab American community. I'm trying to
 3 think of some of the other groups that have come in
 4 over the years. So that would be introduced as part
 5 of that training.
 6 Q. Okay. Do you remember that particular document being
 7 used in conjunction with the diversity training that
 8 you just described?
 9 A. I do. Like I said, I couldn't tell you specifically
 10 which instance. But it would not be uncommon as part
 11 of that training for that to be presented to us.
 12 Q. Okay. Do you remember any specific training sessions
 13 in which that document was used?
 14 A. Specifically, no.
 15 Q. So you can't describe for the record any particular
 16 occasion other than when you first came to the
 17 department that you actually saw and/or reviewed that
 18 document, Deposition Exhibit 3; correct?
 19 A. No, that's not correct. Over the course of my
 20 16 years, we've had different training, typically in
 21 the wintertime, in which this document has been
 22 presented to us. However, I'm unable to tell you the
 23 specific dates or times of that training.
 24 Q. Do you know what years you actually received diversity
 25 training?

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- 1 in-house training. And also throughout the years,
 2 we've had training. I couldn't tell you exactly when,
 3 but I've seen the document before.
 4 Q. Well, I know you said that you saw it when you first
 5 came in.
 6 Do you need to get that? You can go ahead
 7 and get that if you want.
 8 A. No. I'm sorry. I'm just turning it off so it
 9 wouldn't vibrate.
 10 Q. Okay. I understand that you saw it when you first
 11 came.
 12 A. Yes.
 13 Q. And your employment began with the Warren Police
 14 Department. I got that. I want to know when else did
 15 you see that document.
 16 A. Like I said, throughout the years during different
 17 training blocks.
 18 Q. Throughout different training blocks.
 19 A. Right.
 20 Q. What kind of training blocks would you have occasion
 21 to see that document?
 22 A. During cultural training that we've had over the
 23 years. Typically during a 40-hour training block, we
 24 would have, you know, speakers from different
 25 communities, whether it was African American. We've

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- 1 A. Not specifically what years.
 2 Q. Not specifically. Since 2011 how many years have you
 3 received -- of diversity training have you received?
 4 A. I would guess three, maybe four.
 5 Q. Three or four diversity training since 2011?
 6 A. Again, that's a guess.
 7 Q. The answer to my question is that you really don't
 8 know; correct?
 9 MR. ACHO: Object. That's not what he
 10 said. That is not the answer to your question. You
 11 can't do that.
 12 BY MR. MUNGO:
 13 Q. Would that be a fair assessment?
 14 A. I really don't know what dates I've had this training;
 15 that's correct.
 16 Q. Yeah, you don't know.
 17 A. I don't know the dates that I've had this training,
 18 yes.
 19 Q. Therefore, you cannot particularly -- you cannot tell
 20 me what years you had diversity training; correct?
 21 A. Not specifically which years, but I've had diversity
 22 training.
 23 Q. Okay. So --
 24 MR. ACHO: Counsel, what are you doing?
 25 Don't do that, please.

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<p>1 MR. MUNGO: There are appropriate 2 objections. I appreciate it if you stick with those. 3 MR. ACHO: I would appreciate it if you 4 don't try to intimidate the witness by -- 5 MR. MUNGO: This man is not intimidated by 6 me. Okay? 7 BY MR. MUNGO: 8 Q. Go ahead, sir. You can answer the -- ask the question 9 again. 10 (The requested portion of the record was 11 read by the reporter at 11:51 a.m.) 12 THE WITNESS: I said that's -- I couldn't 13 tell you specifically which year I've had which 14 diversity training, but I have had diversity training. 15 BY MR. MUNGO: 16 Q. Well, now, you got to listen to my question now. 17 Okay? You're making this too complicated. 18 I said you cannot tell me which years you 19 had diversity training. That was my question. 20 A. And that's what I just answered, I thought, that I 21 can't tell you which years. 22 MR. ACHO: He did answer it, Counsel. 23 Twice. 24 BY MR. MUNGO: 25 Q. Yes. You cannot tell me which years. So you don't</p>	<p>1 Q. And what is Deposition Exhibit Number 4, sir, for the 2 record? 3 A. It's, again, the discrimination and sexual harassment 4 policy for the Warren Police Department. 5 Q. That is dated? 6 A. July 24th of 2017. 7 Q. 2017. Okay. And have you ever seen that document 8 before? 9 A. Yes. 10 Q. The one that's dated 2017. 11 A. Yes. 12 Q. And when did you have occasion to see that document? 13 A. It probably would have been about July 24th of 2017. 14 Typically when a new general order is put 15 into place, it's immediately e-mailed to the entire 16 department. And we're obligated to review it at that 17 point in time. 18 Q. And you remember reviewing it. 19 A. I read it, yes. 20 Q. What's the difference between read and review? 21 A. I don't know. 22 Q. So when you read it, tell me what you did. 23 A. I read it and tried to look for any changes from the 24 previous policy and then -- I made -- at the time in 25 July of 2017, I was a patrol supervisor. I would have</p>
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<p>1 know what years you actually had the training. 2 A. Yes. 3 Q. Correct? 4 A. I don't know what years I had the training. 5 Q. Okay. Thank you. 6 A. Okay. 7 Q. Thank you. Let the record reflect the deponent is 8 looking at Deposition Exhibit Number 4. 9 Take a look at that document, sir, and tell 10 me whether or not you recognize it. 11 A. That is the 2017 general order regarding 12 discrimination and sexual harassment with the Warren 13 Police Department. 14 Q. And it is dated 2017; correct? 15 A. Yes. July 24th of 2017. 16 Q. 2017. And the Deposition Exhibit Number 3 is dated 17 2003; correct? January 2003; correct? 18 A. That is correct. 19 Q. Okay. All right. So now I want you to take a look at 20 the Deposition Exhibit Number 4. And once you've done 21 that, I want to -- I'm going to ask you some questions 22 regarding that document. 23 A. Okay. 24 Q. You've had an opportunity to review it. 25 A. Yes.</p>	<p>1 read the changes off in roll call. We don't have time 2 during shift roll call to read an entire general 3 order; however, I would have made note of the changes 4 to my shift. 5 Q. Did you notice that there were any changes between 6 Deposition Exhibit Number 3 and Number 4? 7 A. Yes, where Mr. McMurray (sic) was added to the 8 complaint procedure on the -- specifically cite Greg 9 McMurray's name, who was the EOC for the City. 10 Q. He was the what for the city? 11 A. He would be the -- was it the EEOC? Equal -- see 12 where his title is. Equal employment opportunity 13 officer for the City of Warren. 14 Q. Do you know what that meant? 15 A. Yes. 16 Q. Can you tell us? 17 A. If you can say what that meant. His position? 18 Q. That's what you just read, yes. 19 A. Okay. That would be the -- well, I know he was also 20 the diversity coordinator for the City, and he was to 21 see that these situations were handled appropriately. 22 Q. Did you know Mr. Murray? 23 A. I met him once, I believe. 24 Q. You met him once. Have you had any discussions with 25 him regarding diversity?</p>

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<p style="text-align: right;">Page 21</p> <p>1 A. No, I have not. 2 Q. Never? 3 A. No. 4 Q. Has your supervisor ever had any discussions with you 5 regarding Mr. Murray and his work as diversity 6 coordinator? 7 A. My supervisor being specifically whom? 8 Q. Well, did you have a supervisor at that time that 9 we're talking about this document? 10 A. That, at that point in time, would have been 11 Lieutenant Christian Bonet (ph). And I believe he did 12 say he met Mr. McMurray, and they did speak. I don't 13 know what they spoke about. 14 Q. So again my question: Did you ever have any 15 conversations with your supervisor regarding 16 Mr. Murray and his work as diversity coordinator? 17 A. No. 18 Q. And you had occasion to communicate with Ms. Howlett 19 from time to time while she worked in the detective 20 bureau; correct? 21 A. Yes. 22 Q. She worked in the special victims unit, and you were 23 working in the -- 24 A. Criminal investigation. 25 Q. Criminal investigation unit. And at some point in</p>	<p style="text-align: right;">Page 23</p> <p>1 patrol as a patrol supervisor. 2 Q. Patrol supervisor. Right. Right. That's right. And 3 so you weren't there when Ms. Howlett was returned or 4 sent to work in the criminal investigative unit. 5 A. If I remember correctly, I think my leaving criminal 6 investigation and going to Macomb Auto Theft Squad 7 created the position in criminal investigation that 8 she filled. 9 Q. That she filled. 10 A. I would have been leaving the office as she was coming 11 into the office. 12 Q. I see. And so she would have taken your desk; 13 correct? 14 A. She would take an available desk. And again, 15 specifically mine, I was one of the more senior 16 detectives in the back of the room. It's kind of, I 17 guess, choice real estate. So the next seniority 18 detective will get offered it until -- you know, we 19 get a big shuffle of desks across the room. 20 Q. I see. I see. So at the time you left the criminal 21 investigative unit, that position became open that she 22 filled? Is that your understanding? 23 A. Based on the number of corporals assigned to criminal 24 investigation, yes. That would have created a 25 shortening or -- I believe it was 12 corporals in</p>
<p style="text-align: right;">Page 22</p> <p>1 time, Mr. Johnson came over to your side of the unit 2 to join you guys; correct? 3 A. Yes. 4 Q. Do you remember when that occurred? 5 A. Not specifically. I couldn't -- 6 Q. But you know that it occurred. 7 A. I do. 8 Q. And you were there when it occurred. 9 A. I was actually in the office when he was moving his 10 desk from one side to the other, yes. 11 Q. Okay. And you were there also when Ms. Howlett was 12 moved into that unit, into the criminal investigation 13 unit where Shawn was moved into; correct? 14 A. I was not. I believe I was at Macomb Auto Theft Squad 15 at that time. 16 Q. So you left the unit, the criminal investigative unit 17 I thought in November of 2016. 18 A. I was promoted to sergeant in November of 2016, I was 19 assigned out from criminal investigations to the 20 Macomb Auto Theft Squad sometime in August of 2016, 21 and I did the next three months in a separate office. 22 Q. So where were you up through, up through July -- up 23 through July of -- you were promoted in November of 24 '16, and you were moved to another unit. 25 A. When I was promoted in November of '16, I went back to</p>	<p style="text-align: right;">Page 24</p> <p>1 criminal investigation. When I left, there was 11. 2 The next senior corporal from -- the 3 opportunity would come from special victims or one of 4 the other bureaus to fill that spot. And I'm guessing 5 that she was, she did. 6 Q. So you don't know whether or not she filled your 7 position or not? 8 A. Not my position but the vacancy created by -- 9 Q. The vacancy. You don't know that. 10 A. I can't say for sure -- 11 Q. I'm sorry. Go ahead. 12 A. I can't say for sure, but I believe that's the way it 13 worked out. 14 Q. And you don't know whether or not there were any other 15 vacancies created, correct, that she may have filled? 16 A. I don't -- no, I don't know if -- I can't say for 17 sure. 18 Q. Okay. And so you left there in November -- you left 19 the criminal investigative unit in November of 2016. 20 A. Yes. I was promoted as sergeant. 21 Q. And was there any construction going on anywhere 22 within the building during that time? 23 A. November of '16? 24 Q. Yeah, at the time you left or prior thereto. 25 A. I believe -- I can't say for sure. I know the</p>

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1 dispatch center was -- they rebuilt their dispatch
2 center sometime, but I don't -- I think that started
3 later than then. So I can't say for sure if there was
4 any construction going on in the building.
5 Q. That involved the special victims unit.
6 A. Well, I know when they were preparing for the dispatch
7 center to be redone, they were making room in the
8 records bureau for a temporary dispatch center, which
9 resulted in them moving records into special victims,
10 which created a -- everything kind of got condensed in
11 that room.
12 Q. But --
13 A. And those shelves are still here, still there to this
14 day.
15 Q. But the special victims units were still there;
16 correct?
17 A. In their office, yes.
18 Q. Okay. So it didn't displace the special victims unit;
19 correct?
20 A. No, sir.
21 Q. You've had conversations with Ms. Howlett over the
22 period of time in which you knew her and prior to your
23 leaving in November of 2016; correct?
24 A. Yes.
25 Q. Leaving the criminal investigative unit.

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1 A. Yes, we've had conversations. I don't recall any
2 conversations that were specific about race.
3 Q. But you had conversations. Like you said earlier,
4 you've had conversations with Ms. Howlett regarding
5 things that pertained to race. You just said that.
6 (The requested portion of the record was
7 read by the reporter at 12:11 p.m.)
8 BY MR. MUNGO:
9 Q. Okay. So now you can answer that question. Share for
10 the record what you recall those conversations were.
11 A. That was a mistake when I said yes originally, because
12 I don't think Ms. Howlett and I ever had a
13 conversation directly involved race, involving race.
14 Q. Anything pertaining to race or touching upon race?
15 A. Nothing that I recall.
16 Q. Nothing that you recall. Ms. Howlett says that you
17 did. Would she be in that assertion mistaken?
18 A. I don't know that she's mistaken. I just don't recall
19 any of the conversations.
20 Q. You never had a conversation with Ms. Howlett wherein
21 referencing how black people talk with one another
22 and, like well, what's up, anything like that?
23 A. Not that I recall.
24 Q. Did you ever have a conversation with Ms. Howlett in
25 which you asked her what's up with this blue, black

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1 A. That's correct, yes.
2 Q. And you've had occasion to discuss with Ms. Howlett
3 different -- you've had different discussions with
4 her, correct, about different subjects and matters;
5 correct?
6 A. Yes. I've spoken with her throughout the years.
7 Q. Throughout the years. Okay. And you had a
8 conversation with Ms. Howlett in which you had
9 inquired of her certain things about the African
10 American race; correct? Something along those lines;
11 right?
12 A. Yes.
13 Q. And share for the record what you recall those
14 conversations were.
15 A. We're talking about the specific language from the
16 lawsuit?
17 Q. No, no, no. I'm talking about the -- I'm talking
18 about the conversations, any and all conversations
19 that you may have had with Ms. Howlett.
20 A. I didn't know her well enough that we would have
21 discussed race.
22 Q. Well --
23 A. Throughout the years.
24 Q. -- to the extent that we just said that you had
25 conversations with her.

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1 thing? You ever heard that?
2 A. I did have a conversation with her regarding that.
3 I'd like to --
4 Q. Go ahead. I'm sorry.
5 A. It was during an investigation. I had someone, a
6 witness to a crime describe someone, an African
7 American as being blue black. It's a term I'd never
8 heard. I asked several detective in the criminal
9 investigation side if they'd ever heard that term.
10 Nobody had.
11 I'd gone over to family investigation and I
12 asked Ms. Howlett that, as well as I think whoever
13 else was in the room. And I don't recall who was in
14 the room.
15 Q. And why were you curious? Why were you not able to
16 make out what blue black meant?
17 A. I never heard the term before.
18 Q. Who used the term?
19 A. A witness to a crime.
20 Q. A witness to a crime.
21 A. Right.
22 Q. What did the witness to the crime say?
23 A. He described the suspect in the crime who was African
24 American as being blue black. His skin complexion as
25 being blue black.

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- 1 Q. Did you ever come to learn what that meant?
 2 A. I did. I ended up Googling it.
 3 Q. And what did you learn?
 4 A. Very dark-skinned African American. Their skin
 5 pigmentation has blue on their tongues.
 6 Q. And then you asked her is it similar to redbone;
 7 right?
 8 A. As in -- and I was trying to put it in context for
 9 her. Redbone's another way of describing someone who
 10 has reddish undertones. Or high yellow is another way
 11 of doing that.
 12 I've been in law enforcement for 20 years.
 13 I've heard so many different ways of African American
 14 skin tone being described. Like I said, blue black
 15 was a new term for me. I never heard it before.
 16 Q. But you knew what redbone was.
 17 A. I did, being someone who has reddish undertones in
 18 their African American skin.
 19 Q. And so the actual term redbone, how did you come
 20 across that?
 21 A. I just heard it over the years. And again, someone
 22 who has reddish hair, reddish, you know, skin tone.
 23 Q. You've heard it over the years from where, what
 24 sources?
 25 A. Witnesses to crimes, victims of crimes typically

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- 1 Q. When he's done, you have to answer.
 2 MR. ACHO: How many types of skin tones do
 3 you think black people have, if you know --
 4 MR. MUNGO: No. Read my question back.
 5 MR. ACHO: Oh, it's not?
 6 MR. MUNGO: Read my question back.
 7 MR. ACHO: That is the question.
 8 (The requested portion of the record was
 9 read by the reporter at 12:16 p.m.)
 10 THE WITNESS: Numerous.
 11 BY MR. MUNGO:
 12 Q. Can you articulate any of them?
 13 A. I mean, if you're trying to describe someone
 14 specifically, you would say they have caramel colored
 15 skin or an olive, olive tone. There's hundreds of
 16 different ways of describing people's skin complexion.
 17 Q. And redbone is one.
 18 A. Again, it's the way it's been described to me in the
 19 past, yes.
 20 Q. I'm just asking if redbone is one of them.
 21 MR. ACHO: You've asked him multiple times.
 22 BY MR. MUNGO:
 23 Q. Is that correct?
 24 MR. ACHO: Can we move on from redbone?
 25 BY MR. MUNGO:

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- 1 giving suspect descriptions.
 2 Q. And so do you consider the use of the word redbone to
 3 be a form of a racially derogatory or demeaning
 4 reference to African Americans?
 5 A. I don't know. No, I don't know that it is that. Like
 6 I said, I was using it -- I would use it to describe
 7 someone's skin tone. And again, that's more what I'm
 8 getting from the witnesses or suspects. I would never
 9 refer to someone as being a redbone or even a blue
 10 black or anything like that.
 11 Q. Okay. Even though you would not, do you consider the
 12 term redbone to be a form of a racial slur or racially
 13 derogatory term?
 14 A. No, I don't.
 15 Q. You don't. Okay. And why wouldn't you?
 16 A. Like I said, I thought it was a way of describing
 17 someone's skin tone.
 18 Q. I see. I see. So how many skin tones do you think
 19 African Americans have?
 20 MR. ACHO: Come on. I'm going to object at
 21 this point. This man is not here as some sort of
 22 scientist. He's not an expert on the skin tones of
 23 African Americans.
 24 THE WITNESS: I'm sorry?
 25 BY MR. MUNGO:

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- 1 Q. Is that correct?
 2 A. Yes. Redbone would be one of them.
 3 MR. ACHO: Mr. Mungo, you've got to get off
 4 your phone, please. You keep taking calls. You keep
 5 texting. It's rude. I've never seen anybody do this.
 6 It's beyond rude. It's disconcerting for the witness.
 7 It's disconcerting for me. You just left two minutes
 8 ago.
 9 You can glare at me all you want. You keep
 10 taking calls and texting. It's rude, improper.
 11 MR. MUNGO: Tell me when you're done.
 12 MR. ACHO: I'm done, but please stop doing
 13 it or I'm going to discontinue these deps.
 14 MR. MUNGO: You do what you feel --
 15 MR. ACHO: If that's what you keep doing.
 16 And just so you know, Redbone was the name of a group
 17 that had a Number 1 hit in 1969 called Come and Get
 18 Your Love. Go ahead.
 19 MR. MUNGO: Putting your testimony in the
 20 record.
 21 MR. ACHO: It ain't my testimony. Letting
 22 you know. I'm educating you.
 23 MR. MUNGO: Okay. All right. Read my last
 24 question back, please.
 25 (The requested portion of the record was

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<p>1 read by the reporter at 12:18 p.m.)</p> <p>2 BY MR. MUNGO:</p> <p>3 Q. Okay. Answer that question.</p> <p>4 A. Yes.</p> <p>5 Q. What was Ms. Howlett's response when you asked her?</p> <p>6 A. I don't even recall.</p> <p>7 Q. You don't even recall.</p> <p>8 A. I had forgotten about the conversation till I read it in the allegations.</p> <p>9 Q. Oh, I see. So who did you talk to prior to this deposition at all?</p> <p>10 A. Just my attorneys.</p> <p>11 Q. Just your attorneys. You hadn't talked to anyone else about your deposition?</p> <p>12 A. No.</p> <p>13 Q. No one other than your attorneys? You're sure?</p> <p>14 A. I mean, specifically about the deposition and what was going to happen here, just my attorneys.</p> <p>15 Q. So did you talk to anybody about the case?</p> <p>16 A. My wife knows I'm being deposed, if I can put that in.</p> <p>17 Q. Have you talked to anyone about the case?</p> <p>18 A. No, I have not.</p> <p>19 Q. You have not. Discussed the case at all? Anyone ask you any questions about your deposition other than your lawyer?</p>	<p>1 A. No.</p> <p>2 Q. Not one document.</p> <p>3 A. No.</p> <p>4 Q. You obviously reviewed the Complaint.</p> <p>5 A. Well, I reviewed the Complaint when it was -- gosh, over a year ago, when it came -- when it was first filed.</p> <p>6 Q. When it was first filed. And other than that conversation regarding the blue black and the redbone, you hadn't had any conversation with Ms. Howlett regarding any subjects or any matters that pertain to African Americans; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. African American culture, nothing like that. It was strictly about --</p> <p>9 A. Not that I recall.</p> <p>10 Q. Not that you recall. So that means, sir, that it's possible that there may have been additional conversations?</p> <p>11 A. And it's also possible there may not have been, yes.</p> <p>12 Q. Okay.</p> <p>13 A. Like I said, I don't recall.</p> <p>14 Q. Now, listen. Listen. You can, you can say whatever else you want to say, but I need you to answer my question. Okay? And I'm not sure what your last</p>
<p>1 A. No.</p> <p>2 Q. Okay. So you've not talked to one soul at all about your deposition or about this case other than your attorneys. Is that your testimony?</p> <p>3 A. Other than my wife. Other than the fact that she knows that I'm being deposed, yes.</p> <p>4 Q. What did you tell your wife?</p> <p>5 A. That I was being deposed in this matter today.</p> <p>6 Q. And how much conversation did you guys have about this deposition?</p> <p>7 A. Just basically, you know, she asked what was going on at work, and I told her that I was being deposed. And it was just a very general conversation.</p> <p>8 Q. Tell me how general. Tell me what was discussed.</p> <p>9 A. She would ask me what do you have going on at work today. I said well, I've got the deposition involving the Howlett dep case. And I'm going to be glad to get this over and done with.</p> <p>10 Q. Okay. Is she familiar with the Howlett case?</p> <p>11 A. Just what she read in the newspaper.</p> <p>12 Q. Just what she read in the newspaper. Did she ask any more questions of you?</p> <p>13 A. No. She doesn't ask a whole lot of questions about work.</p> <p>14 Q. Did you review any documents prior to this deposition?</p>	<p>1 answer was.</p> <p>2 Read the question back, please.</p> <p>3 Sir, you can add whatever you want to add,</p> <p>4 but answer my question, please.</p> <p>5 A. Okay.</p> <p>6 (The requested portion of the record was read by the reporter at 12:22 p.m.)</p> <p>7 THE WITNESS: My answer would be yes to</p> <p>8 your question.</p> <p>9 BY MR. MUNGO:</p> <p>10 Q. That it is possible that there may have been other conversations. Thank you. About race with</p> <p>11 Ms. Howlett. Thank you.</p> <p>12 So I want to reference you to -- I want you</p> <p>13 to reference Deposition Exhibit Number 4, sir.</p> <p>14 A. Okay.</p> <p>15 Q. The last three pages of that exhibit contains a</p> <p>16 training schedule. I want you to go through there and</p> <p>17 tell me whether or not you attended any training,</p> <p>18 diversity training during the years of 2013, '14, '15</p> <p>19 and '16.</p> <p>20 A. Let me start 2017 and work my way backwards. Yes. I</p> <p>21 was in the class with James Friedman. In fact, he</p> <p>22 gave me a hug in that class. I remember specifically.</p> <p>23 And we were disappointed that it was only a two-hour</p>

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1 block. It may have been a three-hour block. But that
 2 would have been a great class to have a full day on.
 3 Q. Why do you say that?
 4 A. I just, I like Reverend Friedman. He's a good guy.
 5 Q. So because you like him, not the subject.
 6 A. He's an interesting man to listen to talk to, and he
 7 does make me think.
 8 Q. So not the subject as much as the reverend, right,
 9 that you should have -- you wished you would have had
 10 a full day?
 11 A. Like I said, the subject was interesting also.
 12 Q. Oh, I see. I see. It was primarily you wanted a full
 13 day -- or it would have been okay to have a full day
 14 because you liked the reverend and also the subject
 15 was interesting; is that correct?
 16 A. Yeah. Yes.
 17 Q. Okay. Go ahead. Did you receive any diversity
 18 training in the year 2016?
 19 A. If I remember correctly, the tactical communication
 20 block, it's more -- it's not tactical as in like
 21 swat-type tactical. I believe it is more speaking to
 22 people with tact. I don't recall the specific content
 23 but --
 24 Q. So are you answering my question about whether or not
 25 you received any diversity training in 2016?

1 Q. Okay. And you didn't bring that with you today;
 2 correct?
 3 A. No, I did not.
 4 Q. Did anybody tell you you needed to bring it?
 5 A. No. I was unaware that I needed to bring something
 6 like that.
 7 Q. Go ahead. In 2016 did you receive any diversity
 8 training?
 9 A. No.
 10 Q. In 2015 did you receive any diversity training?
 11 A. No.
 12 Q. In 2014 did you receive any diversity training?
 13 A. Nope.
 14 Q. In 2013 did you receive any diversity training?
 15 A. No.
 16 Q. Did you receive diversity training in this humanity's
 17 comparative religions and international studies?
 18 A. Yes. I believe it was geared to different religions
 19 that are out there.
 20 Q. Did you receive any diversity training in 2011?
 21 A. No.
 22 Q. What about 2008?
 23 A. No.
 24 Q. What about 2007?
 25 MR. ACHO: Mr. Mungo, I think you skipped

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1 A. I'm going through each training class that --
 2 Q. Well, I just want you to address diversity training.
 3 A. I believe there was some -- specifically I was in the
 4 class in 2017.
 5 Q. And that took place between February and May of 2017;
 6 correct?
 7 A. Yes.
 8 Q. Okay. Was Ms. Howlett still there when that took
 9 place? Was she still working for the Warren Police
 10 Department?
 11 MR. ACHO: If you know.
 12 THE WITNESS: I don't know. I don't know
 13 when she left.
 14 BY MR. MUNGO:
 15 Q. Okay. But you do know she left in 2017; correct?
 16 A. Yes. Yeah, I don't -- I just don't recall which month
 17 specifically.
 18 Q. Which month did you receive the training from James
 19 Friedman?
 20 A. That would be documented in the training log that I
 21 would have signed in for. I don't recall what month.
 22 It would have been sometime during that time period.
 23 Q. You have a training log of your training?
 24 A. The department keeps track of all of our training,
 25 yes.

1 one.
 2 THE WITNESS: 2007? The training on
 3 dealing with vulnerable adults and autism did touch on
 4 a population within our society that we needed to
 5 learn about.
 6 BY MR. MUNGO:
 7 Q. Which ones?
 8 A. Autistic, which is handicapped for lack of a better
 9 term.
 10 Q. Okay. What about African American diversity training?
 11 A. There was nothing specific in there, no.
 12 Q. All right.
 13 A. The 2009 cultural awareness with Dr. Friedman or
 14 Reverend Friedman --
 15 Q. Did I ask you about that one?
 16 A. No.
 17 MR. ACHO: But he's supplementing his
 18 answer. He can do that. You've told him repeatedly
 19 he can say whatever he wants as long as he gives you
 20 your answer.
 21 Go ahead. Finish.
 22 MR. MUNGO: But you're pointing stuff out
 23 to him.
 24 MR. ACHO: I'm not pointing anything out to
 25 him.

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1 MR. MUNGO: You just pointed --
 2 MR. ACHO: I'm not pointing --
 3 BY MR. MUNGO:
 4 Q. Sir, did he not point out to you something on that
 5 document?
 6 MR. ACHO: Uh-uh.
 7 BY MR. MUNGO:
 8 Q. Sir.
 9 A. Actually --
 10 Q. Did your attorney just point out something to you on
 11 that document?
 12 MR. ACHO: Sir, I grabbed his document to
 13 look at it.
 14 THE WITNESS: He said that you missed a
 15 couple of years or you skipped over a couple years.
 16 BY MR. MUNGO:
 17 Q. And he pointed to something on that document, didn't
 18 he?
 19 MR. ACHO: Not true, sir.
 20 THE WITNESS: I was engaged speaking with
 21 you when -- I didn't see him point.
 22 MR. ACHO: Sir, I didn't point at --
 23 BY MR. MUNGO:
 24 Q. You didn't see him point --
 25 A. No.

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1 Q. -- at that document?
 2 A. I did not.
 3 Q. Either one of --
 4 MR. ACHO: Because I didn't point at it.
 5 BY MR. MUNGO:
 6 Q. Keep in mind, sir, you're under oath.
 7 MR. ACHO: He knows that.
 8 BY MR. MUNGO:
 9 Q. All right. So you did not receive any diversity
 10 training regarding African Americans in the year 2013,
 11 '14, '15, or '16; correct?
 12 A. Correct.
 13 Q. And 2015 and '16 were the years that you worked with
 14 Ms. Howlett, or at least you were in the detective
 15 bureau with Ms. Howlett between 2015 and 2016;
 16 correct?
 17 A. Yes. I believe she was in the detective bureau during
 18 that time period, and I was also.
 19 Q. And this is the time in which she alleged that you had
 20 made inappropriate racial comments to her according to
 21 the Complaint; correct?
 22 A. I don't have the specific date of the comment that she
 23 was offended by was made.
 24 Q. You don't have a specific date, sir. But you do know
 25 that you worked there with her in 2015 -- she didn't

1 A. Okay.
 2 Q. I understand what you're doing but -- and that's not
 3 unusual in these settings. Okay? But you got to let
 4 me finish my question; otherwise, later on, a month
 5 from now people won't know what question you were
 6 answering.
 7 A. Okay.
 8 Q. So you had conversations with Ms. Howlett in 2015 and
 9 2016, more than just a hello, how are you; right?
 10 A. Not much more. Maybe a -- you know, small talk during
 11 a lunch or something like that.
 12 Q. Okay. But you did have conversations with her; right?
 13 A. Yes, I did.
 14 Q. And your conversations with her, other than that one
 15 occasion that you referenced when she was not part of
 16 the detective unit, those were the times in which you
 17 had your conversations with her, were between the
 18 period of 2015 and 2016; correct?
 19 A. Can you --
 20 MR. MUNGO: Read the question back.
 21 (The requested portion of the record was
 22 read by the reporter at 12:32 p.m.)
 23 THE WITNESS: Sir, are you asking me if
 24 I've had conversation with her only between 2015 and
 25 2016? I'm not clear on the question.

11 (Pages 41 to 44)

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1 BY MR. MUNGO:

2 Q. Yes.

3 A. Yes, I've had — I've spoke with her. I can't say for
4 a fact that I had conversations with her.

5 Q. Between 2015 and 2016.

6 A. Yes.

7 Q. And you don't know how long those conversations were
8 is what you're saying; correct?

9 A. That's correct.

10 Q. Okay. But you did have conversations with her.

11 A. I'm sure that I spoke with her more than hello and
12 good morning, yes.13 Q. And you said you had, other than hello and good
14 morning, you've had one other conversation with her
15 outside of that time period of 2015 and 2016; is that
16 correct?

17 A. Yes.

18 Q. And what occasion was that and what years --

19 A. It would have been in, I want to say sometime during
20 the study period for her corporal's examination. I
21 believe it — she took that test in 2013, 2014.22 I had done well in the previous test. She
23 caught me as we were walking out to the parking
24 structure and was asking me for some guidance on how
25 to study. I gave her some pointers. I probably

1 A. Okay. Yes.

2 Q. You heard about that; right? Shawn Johnson talking to
3 Ms. Howlett about Gorilla Glue; right?

4 A. Yes. I heard rumors of it.

5 Q. And you know why that was offensive to Ms. Howlett;
6 correct?

7 A. I could see where it could be taken offensively, yes.

8 Q. How could you see? How could you see that could --

9 A. Because the history of African Americans being
10 compared to monkeys or gorillas or that whole --11 Q. In fact, you've heard things in the news about the
12 Mayor, Mayor Fouts, and his mimicking and associating
13 African Americans with being gorillas, correct,
14 monkeys?

15 MR. ACHO: I'm going to object.

16 MR. MUNGO: When he finishes, you got to
17 answer the question unless he tells you not to.18 MR. ACHO: You're assuming facts not in
19 evidence, Number 1. 2, you're not asking him a
20 question. You're making a statement.21 Go ahead, sir, Sergeant Houtos, if you can
22 answer it.23 THE WITNESS: I'm aware of the allegations
24 against Mayor Fouts, yes.

25 BY MR. MUNGO:

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1 talked to her for 45 minutes or an hour standing by
2 the parking structure.

3 Q. Okay. Very good. Very good.

4 Let the record reflect I'm about to show
5 the deponent Deposition Exhibit Number 1. Take a look
6 at that document, sir. And once you're done, let me
7 know, please.

8 A. Okay.

9 Q. All right. So what is Deposition Exhibit Number 1,
10 sir?

11 A. Exhibit Number 1 is the discipline of Shawn Johnson.

12 Q. Shawn Johnson. And those are the allegations -- did
13 you see page -- those are the allegations that Ms. --
14 well, this investigation and discipline of Shawn
15 Johnson was based upon the allegations that
16 Ms. Howlett made that he had racially harassed her, is
17 that correct, according to that document?

18 A. Yes.

19 Q. And if you look at Page 15, I think would be there.
20 Page 15. I'm sorry, sir. I'm so sorry. I forgot to
21 point out to you at the bottom we have Bates stamp
22 numbers.23 A. Okay. I just want to make sure. Starts with .1
24 Gorilla Glue; is that correct?

25 Q. Yes.

1 Q. That he compared African Americans to monkeys. You've
2 heard that; right?3 A. Yeah, just I'm trying to think of specifically. I'm
4 aware of, yes, that's one of the allegations, yes.5 Q. Which you said -- because I'm not sure we're tracking
6 each other. That that's one of the allegations of
7 Mayor Fouts being what, what is the allegation? That
8 he's compared African Americans to monkeys?9 A. That's — I'm sorry. The question that you're asking
10 me is am I aware of Mayor Fouts doing that? Yes, I am
11 aware. I've read the news articles at least.12 Q. All right. And that's another reason why you can
13 associate and understand why the use of Gorilla Glue
14 by Shawn Johnson with Ms. Howlett being offensive;
15 correct?

16 A. Yes.

17 Q. And you consider him doing that to be a form of racial
18 harassment?

19 A. Yes. I would see that as being that way.

20 Q. I want to look at Item 2, where it says heating up
21 leftovers for lunch from Benihana's which smelled like
22 butter garlic. Shawn said what do you have for lunch
23 today, some chicken and ribs? Do you see the
24 connotations in there of being racially demeaning?

25 A. Yes.

12 (Pages 45 to 48)

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1 Q. And how so?
2 A. **There's the history associated with African Americans**
3 **with certain foods, specifically chicken and ribs. I**
4 **could see that being offensive.**
5 Q. Why? Why would chicken and ribs be specific to
6 African Americans in a derogatory way the way it's
7 couched and used here?
8 A. **Well, because the history of people saying they -- you**
9 **know, that African Americans eat chickens, ribs,**
10 **watermelons. There are certain food groups that have**
11 **been associated with that negatively throughout the**
12 **years. And so I can see where it --**
13 Q. You've heard that being used negatively regarding
14 African Americans throughout the years?
15 A. Yes, I guess.
16 Q. Yes?
17 A. I believe so.
18 Q. You're not sure.
19 A. Well, I've heard, you know, culture, music, things
20 like that. I mean, I know -- I understand the
21 connotation of that, yes. I could see where DeSheila
22 would have been offended by that.
23 Q. All right. And she said that Shawn passed by her desk
24 and he double backed and leaned forward and he sniffed
25 her. Heard a sniffing sound -- she heard a sniffing

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1 harassment as couched in this sentence being said by
2 Shawn Johnson to DeSheila Howlett?
3 A. **Anytime you use -- towards any group say you people,**
4 **your people, that's highly offensive.**
5 Q. Do you see Number 6 where he talks about ghetto names,
6 what's up with all the ghetto names, spellings,
7 Destinee and Honey Brown or Bentley, et cetera? Do
8 you see that?
9 A. Yes.
10 Q. Do you consider African Americans to have ghetto
11 names?
12 A. **Do I consider that they have ghetto names? They have**
13 **names.**
14 Q. Okay.
15 A. **Parents can name children whatever they want to be --**
16 **it's their child.**
17 Q. Go ahead. I'm sorry.
18 A. **No. The parent can name the child whatever they want.**
19 **If they want to call you this is my son, Tree. Call**
20 **him Tree. I don't care. It doesn't affect me.**
21 Q. Do you consider that to be a form of racial harassment
22 coming from Shawn Johnson as couched in this
23 particular item?
24 A. Yes.
25 Q. Okay. But you don't consider African Americans to

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1 sound. Do you recall that incident being complained
2 of or spoken of by anyone directly or indirectly?
3 A. No. I've never heard of that one.
4 Q. Never heard of that one.
5 A. That's bizarre.
6 Q. That's bizarre. Okay. Do you consider that conduct
7 as described in paragraph three to be a form of sexual
8 harassment?
9 A. Yes, I would say that.
10 Q. And then Item Number 4: She indicated that he brushed
11 his hand across her head touching her hair. Do you
12 consider that a form of sexual harassment by Shawn
13 Johnson of Ms. Howlett?
14 A. Yeah. If it was not accidental, yes, that would be
15 inappropriate.
16 Q. You've not heard these, other than the Gorilla Glue,
17 you've not heard of any of these other incidents?
18 A. I've not, no.
19 Q. You've not? Number 5, where he says why do you people
20 move -- why do all you people move to Atlanta? Do
21 they not want to be around white people? You've never
22 heard that being said directly or indirectly?
23 A. No, that's -- no. Sir, these are the first times I've
24 read any of this.
25 Q. Okay. Do you consider that to be a form of racial

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1 have per se any ghetto -- any of the names of African
2 Americans --
3 MR. ACHO: Counsel, he's already --
4 BY MR. MUNGO:
5 Q. Ghetto names?
6 MR. ACHO: Counsel, what you're doing is
7 you're getting -- you're asking questions out of your
8 own inquisitiveness out of white witnesses. I know
9 exactly what you're doing. It's got nothing to do
10 with this lawsuit. I know what you're doing. I don't
11 think it's appropriate.
12 BY MR. MUNGO:
13 Q. Answer the question.
14 A. No, I don't feel that African Americans have ghetto
15 names. They have the names that their parents give
16 them, and I don't care what someone names their child.
17 Q. Very good. Thank you.
18 Item Number 7 talks about Shawn Johnson
19 referenced her clothing color, generally color
20 coordinated. And she announces almost daily my color
21 choice for each day in -- he announces that in a black
22 voice and comments on how matching -- a matching thing
23 is a black thing.
24 Do you believe that that statement as
25 couched there in Item Number 7, a comment made by

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1 Shawn Johnson to DeSheila Howlett to be a form of
2 racial harassment, sir?
3 **A. Those comments, yes. Sure.**
4 **Q. Okay. And you've never heard Shawn Johnson make any**
5 **of these kind of comments to Ms. Howlett?**
6 **A. I have not. Although if I may, Ms. Howlett dressed**
7 **ten times better than I ever did so -- she was always**
8 **very well and professionally dressed so --**
9 **Q. She's a female and you're a male.**
10 **A. Yes. We are both --**
11 **Q. And for the record, you're a white male? Your race is**
12 **white; correct?**
13 **A. My race is white, yes.**
14 **Q. Okay. Thank you. All right. And do you consider**
15 **African Americans to dress -- be better dressers than**
16 **whites?**
17 **A. Some do. Some don't. I mean, you know. We all**
18 **have -- I consider myself to be a bit of a slob.**
19 **Q. You may be being a little hard on yourself. You don't**
20 **look like one today. So do you believe that some**
21 **white people dress better than some black folk?**
22 **A. Sure. I'm sure some white people do. Some black**
23 **people do. That's it.**
24 **Q. Very good.**
25 **A. Some people pay more attention to those things.**

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1 these incidents occurred. You were there in the
2 criminal investigative unit; correct?
3 **A. Yes.**
4 **Q. And how much interaction did you have with the special**
5 **victims unit?**
6 **A. Very little.**
7 **Q. How would you describe that in terms of frequency of**
8 **visiting or communicating with the detectives in the**
9 **special victims unit on average?**
10 **A. In a typical week, I might walk through their office**
11 **once or twice; that would just be to deliver a warrant**
12 **request to the city attorney's desk.**
13 I'm trying to think who the detectives were
14 over there. I'm not really a social person, so I
15 didn't hang out with anybody. So there's -- unless
16 they needed something over there, I wouldn't have
17 stopped over there often.
18 **Q. You remember seeing Shawn Johnson when you would go**
19 **over there from time to time?**
20 **A. Yes. Sometimes he would be in the office, yes.**
21 **Q. And you remember seeing DeSheila Howlett from time to**
22 **time when you would go over there; correct?**
23 **A. Yes.**
24 **Q. And at the time that Shawn Johnson was transferred**
25 **over from the special victims unit over to the**

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1 **Q. Now, Deposition Exhibit Number 1, sir, the**
2 **investigation, the conduct of Shawn Johnson, and I**
3 **think you'll see it on Page 1 up front there, the**
4 **first page, the personnel complaint?**
5 **A. That's 11.**
6 **Q. 11 there, sir. Personnel complaint. Do you see that?**
7 **A. Yes.**
8 **Q. It says the date of the event was between -- at the**
9 **very top. The incidents occurred between 4/1/15 and**
10 **7/1/15; right?**
11 **A. Yes.**
12 **Q. Okay. And during that period, you were there during**
13 **that period of time; correct?**
14 **A. I was in criminal investigation during that time**
15 **period.**
16 **Q. And at the bottom of Page 11, it's dated 8/6/15. You**
17 **were still there in the criminal investigative unit at**
18 **that time; correct?**
19 **A. I'm sorry. Where is it dated, next to Sergeant Eidt's**
20 **signature? Is that where we're looking at?**
21 **Q. Yes, sir.**
22 **A. Yes.**
23 **Q. And you were still there.**
24 **A. Yes.**
25 **Q. So you were there during the time in which all of**

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1 **criminal investigative unit, you were there in the**
2 **criminal investigative unit; correct?**
3 **A. Yes.**
4 **Q. Okay. All right. The criminal investigative unit and**
5 **the special victims unit were separated by walls;**
6 **correct? The work areas were separated by walls and**
7 **doors; correct?**
8 **A. Walls, and there's actually some office space**
9 **in-between. But yes, there's doors. In fact, special**
10 **victims, in their off hours they keep those doors**
11 **locked so no one can get into the files because they**
12 **have information about children in there, so yes.**
13 **Q. So the answer to my question is yes.**
14 **A. Yes.**
15 **Q. Did anyone ever, after this incident with Shawn**
16 **Johnson -- who was your supervisor at that time? I**
17 **should ask.**
18 **A. Stephen Mills was my sergeant, and Robert Ahrens was**
19 **our captain.**
20 **Q. During that period of time and after, prior to your**
21 **leaving the unit, which was in --**
22 **A. August of 2016.**
23 **Q. You left there in November of 2016.**
24 **A. I promoted in November of 2016. I left and went to**
25 **Macomb Auto Theft Squad in August of 2016.**

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1 Q. Got it. So you were gone in August of 2016.
2 A. Middle of August.
3 Q. Middle of August.
4 A. Yes.
5 Q. Okay. And this report was -- or Page 11 was completed
6 on August 6th; right? So you knew this investigation
7 was going on prior to your leaving; correct?
8 A. I did not know that there was an investigation.
9 Q. So no one ever asked you any questions about whether
10 or not you heard Shawn Johnson make inappropriate
11 comments to Ms. Howlett?
12 A. No, sir.
13 Q. Nobody ever investigated that?
14 A. No.
15 Q. Did anyone ever address you? Did your supervisors or
16 the captain ever address you and your unit regarding
17 diversity and sexual and racial harassment?
18 A. No.
19 Q. Never. Okay. During this period of time. Okay.
20 Let the record reflect I'm about to show
21 the deponent Deposition Exhibit Number 2.
22 Could you take a look at that document for
23 me, please. Let me know once you have done so.
24 A. Would you like me to read through the entire document?
25 Q. Well, I'm going to ask you questions about it, and I

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1 bomb in the office is basically what I had heard.
2 Q. And just so we're clear for the record, that N bomb
3 happened to be the racially derogatory and demeaning
4 term nigger, right, N-I-G-G-E-R? Is that correct?
5 A. Yes.
6 Q. That's what you heard.
7 A. Yes.
8 Q. And who did you hear that from?
9 A. Through the rumor mill. I don't know who
10 specifically.
11 Q. Is that all you heard?
12 A. That's all I heard, yes.
13 Q. Okay. When you heard that, did you hear about the
14 circumstances under which that occurred?
15 A. No, I did not.
16 Q. I'm going to take a quick break.
17 (Off the record at 12:58 p.m.)
18 (Back on the record at 1:09 p.m.)
19 BY MR. MUNGO:
20 Q. So Sergeant --
21 A. Houtos.
22 Q. Yes. When I was asking you earlier about the blue
23 black thing that you asked Ms. Howlett about, the blue
24 black thing and the redbone thing, and maybe it's just
25 your recollection that may be at issue here, but you

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1 want to know whether or not you can identify it so you
2 might want to --
3 A. Okay.
4 Q. -- at least, you know, skim through it --
5 A. Sure.
6 Q. -- enough that you can familiarize yourself and be
7 able to say I do, I am familiar with it or I'm not.
8 A. Okay. When you're ready, sir.
9 Q. I'm sorry. What did you say?
10 A. I said when you're ready, sir.
11 Q. What is Deposition Exhibit Number 1, sir?
12 A. It's --
13 Q. Exhibit Number 2.
14 A. The discipline of Barbara Beyer.
15 Q. Have you ever gotten any information directly or
16 indirectly regarding Ms. Beyer?
17 A. No.
18 Q. And her discipline?
19 A. No. I was unaware of the discipline.
20 Q. Were you aware that she was being investigated for
21 having racially harassed Ms. Howlett?
22 A. I had heard that, yes. And at the time that happened,
23 I was in patrol; so I wasn't up in the office.
24 Q. Okay. What did you hear?
25 A. I just heard she, for lack of a -- she dropped an N

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1 don't recall telling Ms. Howlett that your wife was
2 having -- they were discussing these issues at your
3 wife's job, your wife was involved in these
4 discussions and questions being raised at her job, and
5 you wanted to ask her about the blue black thing and
6 the redbone thing?
7 A. No.
8 Q. You're sure?
9 A. Yeah.
10 Q. All right. That's it.
11 MR. ACHO: I have nothing further,
12 Sergeant. Thank you, sir.
13 (The deposition was concluded at 1:10 p.m.
14 Signature of the witness was not requested by
15 counsel for the respective parties hereto.)
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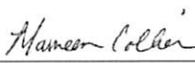
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1 CERTIFICATE

2 STATE OF MICHIGAN
3 COUNTY OF MACOMB

4
5 I, MAUREEN COLLIER, a Notary Public in
6 and for the above county and state, do hereby certify
7 that this deposition was taken before me at the time
8 and place hereinbefore set forth; that the witness was
9 by me first duly sworn to testify to the truth; that
10 this is a true, full and correct transcript of my
11 stenographic notes so taken; and that I am not
12 related, nor of counsel to either party, nor
13 interested in the event of this cause.

14
15
16
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18
19
20 
21 MAUREEN COLLIER, CSR-742
22 Notary Public
23 Macomb County, Michigan
24 My commission expires: February 9, 2021
25